

31	55	40
Sec.	Twp.	Range

**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

RECEIVED
206-003
FEB 01 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY: *[Signature]*

LIST ALL FOLIO #S: 30-5031-000-0130

Date Received

- 1. NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

EUREKA COVE, LLC

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: c/o Felix M. Lasarte, Esq., Holland & Knight LLP, 701 Brickell Ave., Ste. 3000

City: Miami State: FL Zip: 33131 Phone#: 305-789-7580

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): Mailing Address: Same as above

City: _____ State: _____ Zip: _____ Phone#: _____

4. CONTACT PERSON'S INFORMATION:

Name: Felix M. Lasarte, Esq. Company: Holland & Knight LLP

Mailing Address: 701 Brickell Avenue, Suite 3000

City: Miami State: Florida Zip: 33131

Phone#: 305-789-7580 Fax#: 305-679-6326 E-mail: felix.lasarte@hklaw.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets as needed. In addition to paper version it is requested that lengthy metes and bounds description be provided on disquette or compact disc in Microsoft Word or compatible software.)

Please see attached Exhibit "A"

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

SE corner of SW 176th Street and the Homestead Extension of Florida's Turnpike State Road #821

7. SIZE OF PROPERTY _____' x _____' (in acres): 2±
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☒ acquired ☐ leased: 3/2004 9. Lease term: _____ years
(month & year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S),
provide complete legal description of said contiguous property. (See notes related to item 5.)

No

11. Is there an option to purchase ☒ or lease ☐ the subject property or property contiguous thereto?
☐ no ☒ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: AU

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

☒ District Boundary Changes (DBC) [Zone class requested]: RU-TH

☐ Unusual Use: _____

☐ Use Variance: _____

☐ Non-use Variance: _____

☐ Alternative Site Development: _____

☐ Special Exception: _____

☐ Modification of previous resolution/plan: _____

☐ Modification of Declaration or Covenant: _____

RECEIVED
206-003
FEB 01 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY: JJA

14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application as a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the
violation notice was served: _____ and describe the violation:

16. Describe structures on the property: Vacant Land

17. Is there any existing use on the property? ☒ no ☐ yes. If yes, what use and when established?

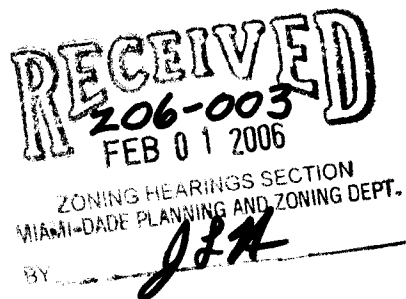
Use: _____ Year: _____

EXHIBIT "A"

LEGAL DESCRIPTION

A portion of the Southwest 1/4 of Section 31, Township 55 South, Range 40 East, being bounded on the West by the Easterly Right-of-Way line of the Homestead Extension of Florida's Turnpike (State Road #821), as shown on the Florida Department of Transportation, Right-of-Way Map, Section 87005-23-6, Sheet 11 of 25, dated May 1970, and bounded on the East by the West line of the East 1/2 of the Southwest 1/4 of said Section 31, also being the Westerly boundary line of "Torrent Subdivision", according to the Plat thereof as recorded in Plat Book 147, at Page 77 of the Public Records of Miami-Dade County, Florida and bounded on the North by the South line of the North 35.0 feet of the Southwest 1/4 of said Section 31, all lying and being in the Southwest 1/4 of Section 31, Township 55 South, Range 40 East, Miami-Dade County, Florida.

3346370_v4



DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: EUREKA COVE, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>ALBERT VIVAS</u>	<u>33.34%</u>
<u>EDUARDO J. GUTIERREZ</u>	<u>33.33%</u>
<u>KLEVER D. ROSALES</u>	<u>33.33%</u>

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

RECEIVED
206-003
FEB 01 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY JLH

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: N/A

NAME AND ADDRESS (if applicable)

Percentage of Interest

RECEIVED
206-003
FEB 01 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY JPH

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

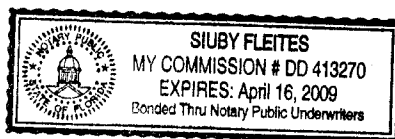
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: Albert Vivas

EUREKA COVE, LLC, Applicant (ALBERT VIVAS, as Manager)

Sworn to and subscribed before me this 17th day of January, 2006. Affiant is personally known to me or has produced _____ as identification.

Siuby Fleites
(Notary Public)



My commission expires _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances, and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.
6. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075

RECEIVED
206-003
FEB 01 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

EUREKA COVE, LLC

(Applicant's Signature)

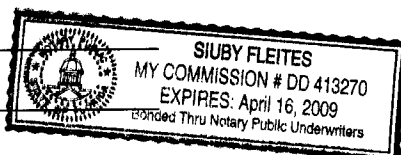
ALBERT VIVAS, as Manager

BY Siuby Fleites

Sworn to and subscribed before me this 17th day of January, 2006. Affiants are personally known to me or have produced _____ as identification.

Siuby Fleites
(Notary Public)

My commission expires _____



RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

7. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.

8. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.

9. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.

10. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.

11. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances, and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.

12. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075

RECEIVED
206-003
FEB 01 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *[Signature]*

Sworn to and subscribed before me this 17th day of January, 2006. Affiant is personally known to me or has produced _____ as identification.

Suby Fleites
(Notary Public)

SIUBY FLEITES
COMMISSION # DD 413270
EXPIRES: April 16, 2009
Miami-Dade Notary Public Underwriters

EUREKA COVE, LLC

[Signature]
(Applicant's Signature)

ALBERT VIVAS, as Manager

(Print Name)

My commission expires _____

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

206-063
FEB 01 2006
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY Public Hearing No. 06-03 JFA

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared _____, hereinafter the Affiant(s), who being duly sworn by me, on oath, deposes and says:

1. Affiant is the Manager of EUREKA COVE, LLC, with the following address: 8574 NW 70th Street, Miami, FL 33166.
2. The Corporation owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as:

SEE ATTACHED EXHIBIT "A"

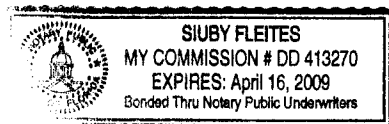
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:		
Signature		Affiant's Signature
		<u>ALBERT VIVAS</u>
Print Name		Print Name
Signature		
Print Name		

Sworn to and subscribed before me on the 17th day of January, 2006. Affiant is personally known to me or has produced _____ as identification.

Siuby Fleites
Notary Public-State of FLORIDA

My Commission Expires: _____



APPLICANT'S AFFIDAVIT
(SELECT APPROPRIATE AFFIDAVIT AND NOTARIZE BELOW)

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (1)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

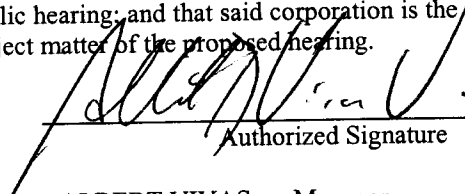
WE, Richard Y. Squires and Diane B. Squires, being first duly sworn, depose and say that we are the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

(see notary below) _____

CORPORATION AFFIDAVIT

I, ALBERT VIVAS, Manager of EUREKA COVE, LLC, being first duly sworn, depose and say that I am the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☒ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____



Authorized Signature

(Corp. Seal)

ALBERT VIVAS, as Manager
Office Held

ATTORNEY AFFIDAVIT

I, Felix M. Lasarte, Esq., being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

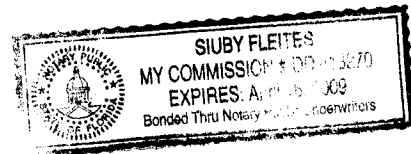


FELIX M. LASARTE, ESQ.

Sworn to and subscribed to be me
this 17th day of January, 2006

Notary Public: 

Commission expires: _____



RECEIVED
206-003
FEB 01 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY 

This Document Prepared By and Return to:
Precision Title Services, Inc.
 1800 W 49 Street Suite 219
 Hialeah, FL 33012
 Phone: 305-512-1006
 Fax: 305-512-1056

CFN 2006R0064939
 OR Bk 24180 Pg 40837 (199)
 RECORDED 01/20/2006 08:21:09
 DEED DOC TAX 1,800.00
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA
 LAST PAGE

RECEIVED
 206-003
 FEB 01 2006

Parcel ID Number: 30-5061-000-0130

Warranty Deed

This Indenture, Made this 11th day of January, 2006 A.D.,
 Richard Y Squires and Daine B Squires, husband and wife

Between JSA

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

of the County of Miami-Dade, State of Florida
Eureka Cove, LLC, a Florida limited liability company

, grantors, and

whose address is: 8574 NW 70th Street, Miami, FL 33166

of the County of Miami-Dade, State of Florida, grantee.

Witnesseth that the GRANTORS, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS.

and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Miami-Dade State of Florida to wit:

A PORTION OF THE SOUTHWEST ¼ OF SECTION 31, TOWNSHIP 55 SOUTH, RANGE 40 EAST, BEING BOUNDED ON THE WEST BY THE EASTERLY RIGHT-OF-WAY LINE OF THE HOMESTEAD EXTENSION OF FLORIDA'S TURNPIKE, (STATE ROAD #821), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION, RIGHT-OF-WAY MAP SECTION 87005-2306, AND BOUNDED ON THE EAST OF THE WEST LINE OF THE EAST ½ OF THE SOUTHWEST ¼ OF SAID SECTION 31, ALSO BEING THE WESTERLY BOUNDARY LINE OF "TORRENT SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 147, AT PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND BOUNDED ON THE NORTH BY THE SOUTH LINE OF THE NORTH 35.00 FEET OF THE S.W. ¼ OF SAID SECTION 31, ALL LYING AND BEING IN THE SOUTHWEST ¼ OF SECTION 31, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Naomi Acosta
 Printed Name: NAOMI ACOSTA
 Witness

Jasson Molina
 Printed Name: JASSON MOLINA
 Witness

Richard Y Squires (Seal)
 Richard Y Squires
 P.O. Address: 14630 SW 148 Avenue, Miami, FL 33196

Daine B Squires (Seal)
 Daine B Squires
 P.O. Address: 14630 SW 148 Avenue, Miami, FL 33196

STATE OF Florida
 COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 11th day of January, 2006 by
Richard Y Squires and Daine B Squires, husband and wife

who are personally known to me or who have produced their Florida driver's license as identification.



Jasson Molina
 Commission #DD322673
 Expires: May 24, 2008
 Bonded Thru
 Atlantic Bonding Co., Inc.

Jasson Molina
 Printed Name: _____
 Notary Public
 My Commission Expires: _____